

VERINATA HEALTH, INC., and
ILLUMINA, INC.,

Plaintiffs/
Counterclaim-Defendants,

v.

ARIOSIA DIAGNOSTICS, INC.,

Defendant/
Counterclaim-Plaintiff.

**JOINT STIPULATION OF DISMISSAL
AND [PROPOSED] ORDER**

1 WHEREAS, Verinata Health, Inc. and Illumina Inc. (collectively, “Plaintiffs”) asserted
 2 claims of infringement of U.S. Patent Nos. 7,955,794 and 8,318,430 (collectively, “Patents-in-
 3 Suit”) against Ariosa Diagnostics, Inc. and Roche Molecular Systems, Inc. (collectively,
 4 “Defendants”) (Dkt. No. 349 (Civ. A. No. 12-cv-05501-SI); Dkt. No. 1 (Civ. A. No. 14-cv-01921-
 5 SI); Dkt. No. 17 (Civ. A. No. 15-cv-02216-SI));

6 WHEREAS, Defendants asserted affirmative defenses, counterclaims for non-infringement
 7 and invalidity of the Patents-in-Suit, and counterclaims for breach of contract and breach of the
 8 covenant of good faith and fair dealing, against Plaintiffs (Dkt. No. 352 (Civ. A. No. 12-cv-05501-
 9 SI); Dkt. No. 102-1 (Civ. A. No. 14-cv-01921-SI));

10 WHEREAS, this Court entered its Judgment on January 29, 2018 (Dkt. No. 642), and Order
 11 re Post-Trial Motions on July 19, 2018 (Dkt. No. 705), as modified by the Order re Clarification on
 12 October 4, 2018 (Dkt. No. 721) (collectively, “Judgment”));

13 WHEREAS, the United States Court of Appeals for the Federal Circuit issued its Opinion
 14 and Judgment on April 24, 2020 (Dkt. Nos. 729 & 730), and issued its formal mandate on August
 15 14, 2020 (Dkt. No. 736), wherein it affirmed this Court’s Judgment;

16 WHEREAS, Plaintiffs have pending motions for supplemental pre-verdict and post-verdict
 17 royalties (Dkt. Nos. 742, 743-4); and

18 WHEREAS, Plaintiffs and Defendants have mutually agreed to a settlement of Plaintiffs’
 19 and Defendants’ respective claims;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
 21 Plaintiffs and Defendants, through their respective undersigned counsel, subject to the approval of
 22 the Court, that

- 23 1. The Court’s Judgment against Defendants is deemed satisfied.
- 24 2. Plaintiffs’ pending motions for supplemental pre-verdict and post-verdict royalties
 25 (Dkt. Nos. 742, 743-4) are withdrawn with prejudice.
- 26 3. Each party shall bear its own costs, expenses, and attorneys’ fees incurred with
 27 respect to all claims, defenses, and counterclaims in this Action.

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

Dated: May 26, 2021

By: /s/ Edward R. Reines

Edward R. Reines

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Defendants*
VERINATA HEALTH, INC. and
ILLUMINA, INC.

IRELL & MANELLA LLP

Dated: May 26, 2021

By: /s/ Lisa S. Glasser

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*Attorney for Defendant/Counterclaim-
Plaintiff*
ARIOSIA DIAGNOSTICS, INC.

CERTIFICATION

I, Edward R. Reines, am the ECF User whose identification and password are being used to file this Joint Stipulation Of Dismissal With Prejudice and [Proposed] Order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Lisa S. Glasser has concurred in this filing.

/s/ Edward R. Reines

Edward R. Reines

SO ORDERED this ____ day of _____ 2021.

HONORABLE SUSAN Y. ILLSTON
UNITED STATES DISTRICT JUDGE